IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MS JUSTICE G.ROHINI
WRIT PETITION NO : 16950 of 2004

Between:
Jana Venkata Rao S/o. Maraiah
R/o. Konduprolu, Tadepallygudem Mandal, W.G.District.
..... PETITIONER

AND

1 The District Collector, W.G.District at Eluru.
2 The Mandal Revenue Officer, Tadepallygudem, W.G.District.
3 The Asst. Divisional Engineer, APEPDC Ltd., 33/11KV Sub Stateion, Kunchanapalli,Tadepallygudem Rural Mandal, W.G.District.
4 The Asst. Engineer, AP EPDC Ltd., Kunchanapalli, Tadepallygudem Rural Mandal, W.G.District.
5 Jana Rama Rao S/o. Anjaneyulu, R/o. Konduprolu Village, Tadepallygudem Rural Mandal, W.G.District.
.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents 1 to 4 in not taking any action in pursuance of petitioners representations dt. 31.7.2004 and 20.8.2004 and allowing the 5th respondent for digging a bore-well within a distance of 100 yards from the existing bore-well in petitioners land is against the provisions of A.P. Water, Land and Trees Act, 2002 as arbitrary and contrary to law and violative of Arts. 14 & 21 of the Constitution of India and consequently direct the respondents 3 & 4 not to grant power connection to the 5th respondents for pumping of water from the said bore well and to pass.

Counsel for the Petitioner: MR.YALLABANDI RAMATIRTHA

Counsel for the Respondents No.1 and 2: G.P. for Revenue.

Counsel for the Respondents No.3 and 4: SMT.M.VINOBHA DEVI

The Court made the following :

ORDER:

Petitioner claims to be owner of small extents of land in R.S.No.280/3 and RS.No.279/2 of Konduprolu village, West Godavari District. He states that for the purpose of cultivating the lands, he has dug a bore-well in his land in the year 2002, and he also obtained power supply from the respondents 3 and 4. It is alleged that 5th respondent recently purchased an extent of Ac.0.05 cents of land adjacent to the land of the petitioner and has been taking steps to dig a bore-well within a distance of 100 yards from the bore-well situated in the land of the petitioner. He also states that the said action of the 5th respondent is in violation of the provisions of the A.P. Water, Land and Trees Act, 2002 and therefore, on 31-07-2004 he made a complaint before the first respondent-District Collector, West Godavari District, Eluru, marking copies to the Mandal Revenue Officer, Tadepalligudem, West Godavari District and also to the Assistant Engineer, A.P. Eastern Power Distribution Company Limited, Kunchnapalli, Tadepalligudem requesting to take appropriate action against the 5th respondent. He further states that he also made another representation on
20-08-2004. The grievance of the petitioner is that respondents failed to take any action and in the meanwhile, 5th respondent is proceeding further with the construction of the proposed bore-well. Hence, this writ petition.

I have heard the learned counsel for the petitioner and the learned Government Pleader appearing for respondents 1 and 2 as

well as learned Standing counsel appearing for respondents 3 and 4.

It is not in dispute that under the A.P. Water, Land and Trees Act, 2002 a specific procedure has been prescribed with regard to the digging of bore-wells and it is also not in dispute that the District Collector, is the competent authority under the statute. In the circumstances, without expressing any opinion with regard to the allegations made by the petitioner, I deem it appropriate to dispose of the writ petition with a direction to the respondents 1 to 4 to consider the representations made by the petitioner dated 31-07.2004 and 20-08-2004 and pass appropriate orders in accordance with law after affording due opportunity to all the parties concerned as expeditiously as possible, preferably within a period of one week from the date of receipt of this order.

Accordingly, writ petition is disposed of. No costs.

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21-09-2004

Note: Issue C.C. in two days
B/o
klp

To
1 The District Collector, W.G.District at Eluru.
2 The Mandal Revenue Officer, Tadepallygudem, W.G.District.
3 The Asst. Divisional Engineer, APEPDC Ltd., 33/11KV Sub Stateion, Kunchanapalli,Tadepallygudem Rural Mandal, W.G.District.
4 The Asst. Engineer, AP EPDC Ltd., Kunchanapalli, Tadepallygudem Rural Mandal, W.G.District.
5 2 CCs to G.P. for Revenue, High Court buildings, Hyderabad.(OUT).
6 2CD copies